

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

COY PHELPS

Petitioner

-v-

-v-

DAVID WINN, et.al.

DAVID WINN, et.al.

SARA RASMUSSEN, et.al.

DARREN BRACY, et.al.

HOWARD HAAS, et.al.

HOWARD HAAS, et.al.

Respondents

Case: 05-40003-GAO

05-40042-GAO

06-40082-GAO

06-40090-GAO

06-40143-GAO

06-40163-GAO

00-48163-8A0

REPLY TO RESPONDENT'S MOTION

TO CONSOLIDATE CASES, TO STAY

DISCOVERY, AND OPPOSITION TO

PLAINTIFF'S MOTION

FOR DISCOVERY

DATE: 12/30/2006

The above Petitioner filed a motion to join several cases and a motion for discovery.

Petitioner requested that all the habeas corpus actions to be joined together into a single action and that all of the civil rights complaints to be joined together into another single action.

The respondents have made a motion to join cases but has moved to join the habeas corpus actions and the civil rights cases into a single case. Petitioner does not know if that is permissible. To him, sheep must be confined with sheep and horses must be confined with horses.

Respondents have moved to stay discovery and to deny
Petitioners motion for discovery.

All of the above cases are active pending a motion to dismiss. The court can allow discovery while the cases are active and when a motion to dismiss is still under review (Marshall v McCowan Deleew & Co, D Idaho 2005, 391 FSupp2d 880 at 882.)

DATE: 12/30/2006

By Phelps
COY PHELPS 78872--011
FMC-Devens
P.O. Box 879
Ayer, Massachusetts
01432

In Pro Se

CERTIFICATE OF SERVICE

I, COY PHELPS, certify under penalty of perjury, pursuant to 28 USC 1746, that I placed a copy of this action into separate correctly addressed envelopes, affixed with proper and adequate first-class U.S. Postage, and deposited the pre-paid envelopes into the prison mail-box, or gave the pre-paid envelopes to a prison official, on the date indicated below, to be delivered to the following:

1. JENIFER C. BOAL, AUSA., U.S. Attorneys Office, 1 Courthouse
Way, Suite 9200, Boston, Massachusetts 02210

2.

3.

4.

5.

6.

7.

8.

9.

DATE: 12/30 /2006



COY PHELPS 78872-011

FMC-DEVENS

P.O. BOX 879

AYER, MASSACHUSETTS

01432

In Pro Se

HOUSTON v LACK, 1988, 487 US 266 (papers deemed filed when deposited in a prison mail-box or given to a prison official.)

WILLIAMS v WADE, WD Wis 2005, 354 F3d 894 (Rule applies to Service of Process also.)